

## EXHIBIT 9



**SOUTHERN GLAZER'S WINE & SPIRITS OF AMERICA, INC.**  
**RECORD OF DISCIPLINARY ACTION-WRITTEN WARNING**  
**EMPLOYEE FILE DOCUMENTATION**

Employee Name Maria Suarez  
 Date of Hire 12/1/04

Employee No. \_\_\_\_\_  
 Branch Metro

Date of Warning \_\_\_\_\_  
 Division/Dept WMI

**ACTION BEING TAKEN**

Written Warning

Final Written Warning

Final Written Warning/Suspension  
 days/weeks \_\_\_\_\_

**PREVIOUS WARNINGS**

Date	Type of Warning	By Whom	List previous warnings by date, type (i.e. verbal or written and by whom they are given)
Use below space for additional warnings			

**EMPLOYER STATEMENT – INCLUDING PERFORMANCE IMPROVEMENT PLAN**

Date of Incident: \_\_\_\_\_ Time: \_\_\_\_\_ Place: \_\_\_\_\_  
 (Please describe incident in detail. Include company policies, rules or regulations violated and areas of improvement needed. Please attach supporting documentation if necessary).

On September 2, 2016 you and I met with Human Resources to review performance expectations in your new role as WMI Administrator. I explained at the time that you had not been cooperative with the WMI subject matter experts that had been brought in for training and initial set up. Several errors resulting from this lack of engagement were reviewed with you and we all agreed on job accountabilities.

Additionally it was agreed that Melissa Johnson from Upstate would spend another week with you training on WMI administration. The training took place the week of October 24th. The three of us met at the end of each day to review progress and you indicated your understanding of each defined task. On October 28th we again met with Human Resources and each task was reviewed and you acknowledged proficiency in each and agreed to the defined timeframe.

It is apparent that you are not following the guidelines established and agreed to at the meeting on October 28th. At no time have you requested assistance or informed me that you are not completing the tasks expected of you. I have outlined a few examples:

- It was agreed that cycle count review needed to be accomplished daily and empty at the end of every day. On December 1, 2016 there were well over 100 locations dated from November 10th through November 30th.
- Stock locator report was another daily report that was required to be empty by the end of the day. On December 1st there were 16 items still on the report that had to be corrected by Melissa.
- The task managed report is required to be reviewed 2 to 3 times per week. As of December 1st there are items still showing active since October 22nd through November 22nd.
- Receiving returns report is to be reviewed 2 to 3 times per week. As of December 1st there are items pending from November 22nd.

In addition to you not completing daily and weekly tasks assigned to you, those you are completing contain numerous errors that are costing the company significant dollars as well as additional manpower and extended working hours to correct those errors. More than 30 hours was worked the weekend of December 3rd and 4th to correct your errors.

- On December 2nd you were sent an email from Eric Meyer that on December 1st you did not close a wave properly which sent erroneous ADJ H transactions. You were instructed to contact Melissa for assistance. You did not respond to the email nor did you contact Melissa. On December 5th you were notified that you made the same mistake again.
- On November 30th you were sent the following message, "Moved LPN 45000002782 from OFFTRNHOT into INVTRSCH. LPN has been on QH since 10/7....pretty sure I sent emails about this when it was put on QH." It is your daily responsibility to be cleaning up transfer locations and it is obvious that was not done on this particular transfer.
- On September 2nd my expectations were spelled out that large adjustment must be physically reviewed and researched by you and then communicated to Tonisha, Eric, Steve, Kevin and myself prior to making the adjustment from inventory. I defined a large adjustment to be anything over 20 cases or valued over \$500.00. On November 29th you adjusted inventory on item 31735, Elijah Craig, without physically verifying the location and did not send an email.

Despite retraining and offers by myself, Eric, Tonisha and Melissa to assist you, basic responsibilities of your role as WMI Administrator are being ignored or are being done incorrectly causing a financial burden to the Company and creating a significant increase in work load to your colleagues. Due to these facts you are in violation of Southern Glazer's work rules as noted in the employee handbook, including but not limited to:

- o) An employee must meet equitable productivity standards.
- q) An employee must be efficient, attentive, and may not neglect the performance of job duties and responsibilities.

This is your Written Warning, please be advised that any additional performance deficiencies or violation of Company policy or work rules will result in additional progressive discipline, up to and including termination of your employment.

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CONSEQUENCES FOR FUTURE VIOLATIONS OF COMPANY POLICY

Further violations of this or any other Company policy will result in additional discipline up to and including dismissal.

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**EMPLOYEE STATEMENT**

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I agree with employer's statement

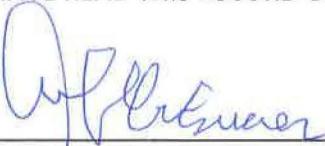
I disagree with employer's statement  
please explain below

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reviewing document.

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I HAVE READ THIS RECORD OF DISCIPLINARY ACTION AND UNDERSTAND IT



\_\_\_\_\_  
Signature of Employee

1/18/2017  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature and Title of Witness

1/18/17  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Manager/Supervisor Issuing Warning

1/18/17  
\_\_\_\_\_  
Date



**SOUTHERN GLAZER'S WINE & SPIRITS OF AMERICA, INC.**  
**RECORD OF DISCIPLINARY ACTION – WRITTEN WARNING/FINAL WRITTEN WARNING/SUSPENSION**  
**EMPLOYEE FILE DOCUMENTATION (to be placed in employee personnel file)**

Employee Name:	Maria Suarez	Employee Number:	32468	Date of Warning:	<u>12/1/17</u>
Date of Hire:	<u>12/1/2004</u>	Branch:		Division/Dept:	Warehouse WMI

**ACTION BEING TAKEN:**

Written Warning

Final Written Warning

Final Written Warning/Suspension  
# days/weeks \_\_\_\_\_

**PREVIOUS WARNINGS**

Date	Type of Warning	By Whom	List previous warnings by date, type (i.e. verbal or written) and by whom they were given)
1/18/17	Written	John Wilkinson	
Use space below for additional warnings			

**EMPLOYER STATEMENT – INCLUDING PERFORMANCE IMPROVEMENT PLAN**

Date of Incident: 11/7/17 Time: Place:

(Please describe incident in detail. Include company policies, rules or regulations violated and areas of improvement needed. Attach supporting documentation if necessary.)

On November 7, 2017, you processed 34 counts in error. You did not notify anyone of this error until you received an email from Tonisha Durant, Inventory Control Manager on 11/8 inquiring of the reason why you consumed 90 cases of Whispering Angel. It wasn't until receipt of that email did you advise of the error you made the day before and that you would be conducting a full sku cycle count to balance the inventory.

Your lack of communication resulted in this error taking two days to rectify. If you had sent an email when the error had occurred, Tonisha could have immediately added back the cases into inventory and the full cycle count could have happened the following day. Instead the following occurred specifically with the 90 cases of Whispering Angel that were consumed. Customer Service had to re-enter all the orders that had backordered because of the error. Sales then had to be notified of the backorder and then they had to notify their customers that their order was going to be delayed. Tonisha had to enter the inventory into the system so the orders can allocate. The other consumed sku's could have also impacted Customer Service and Sales in a similar fashion.

You have also been advised that as the WMI Administrator, you are only authorized to consume on a daily basis no more than \$500.00 per sku in inventory. The Whispering Angel inventory that was consumed was worth \$13,563.83. This sku alone exceeded the allowed threshold. Furthermore, you have been advised in the past that you are to notify Tonisha Durant of the inventory that was consumed and exceeded the threshold. This function of your job did not occur on 11/7/17.

Your actions are in violation of Southern Glazer's Work Rule specifically (q) which states "An employee must be efficient, attentive and may not neglect the performance of job duties and responsibilities." Going forward you are to communicate with me and Tonisha Durant regarding any issues that may arise with the inventory. Furthermore, you are to follow the established responsibilities of your role as WMI Administrator. Please be advised that any additional performance deficiencies or violation of Company policy or work rules will result in additional progressive discipline up to and including termination of your employment.

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#### CONSEQUENCES FOR FUTURE VIOLATIONS OF COMPANY POLICY

Further violations of this or any other Company policy will result in additional discipline up to and including dismissal

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#### EMPLOYEE STATEMENT

I agree with Employer's statement

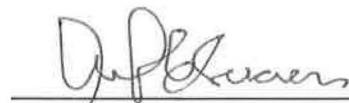
I disagree with Employer's statement  
(please explain below)

Communication goes both ways, Issues need to be corrected immediately, It would have been much better to know about how my mistakes affected others within a reasonable time not a month later.

Some of the wording is mistaken, orders were short shipped because of product not being on the proper location not because of my error. Bill and hold can not be back ordered.

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#### I HAVE READ THIS RECORD OF DISCIPLINARY ACTION AND UNDERSTAND IT



Employee Signature

12/11/2017

Date

Signature of Manager/Supervisor Witness

Date



Manager/Supervisor Issuing Warning

12/11/17

Date